

Exhibit D

REDACTED

Begin forwarded message:

> From: Cindy Cohn <cindy@eff.org>
> Date: December 8, 2005 5:23:12 PM PST
> To: Bruce P. Keller <bpkeller@debevoise.com>, Jeffrey P. Cunard
> <jpcunard@debevoise.com>, thomas.hesse@sonybmj.com
> Subject: Notice idea: Structured interviews
>
> Dear Thomas, Jeffrey and Bruce,
>
> Once again I appreciate you taking the time this morning to walk us
> through SonyBMG's online notice actions for MediaMax version 5 CDs. I
> especially appreciate Bruce's call today clarifying the settlement
> posture between Sony and the Kamber/Pritzker attorneys.
>
> As you know, we believe that ensuring that consumers receive notice of
> the problem with both MediaMax and XCP and Sony's steps to respond is
> extremely important, especially in our thinking about the need for a
> preliminary injunction, but also as part of an overall settlement.
>
> After the call we went through the steps you outlined on a couple of
> websites (Alicia Keyes was the main one) and we have an initial, small
> suggestion that can hopefully make the process of figuring out whether
> a patch is needed a little less confusing for consumers. This is also
> informed by our many discussions with members of the public about the
> issue, specifically by the fact that most consumers don't really
> understand what sort of DRM is on their CDs, or even when DRM is on
> their CDs.
>
> Here's Fred's rough formulation of the suggestion:
>
>> We propose that Sony-BMG create a single website for consumers who
>> want more information about copy-protected CDs (both XCP and
>> MediaMax). Rather than relying on only an FAQ format or the flat
>> notice as the landing page, this website should prominently feature a
>> "structured interview" option (much like the format used by
>> computerized tax preparation software) for consumers who want to know
>> whether they are affected, and, if so, exactly what they should do
>> about it. For many consumers, the FAQ approach alone presents them
>> with too much information, much of which is irrelevant or confusing to
>> less sophisticated computer users.
>>
>> So, for example, a consumer might see the following questions:
>>
>> 1. Do you have one of the following titles on CD? (list of titles
>> organized alphabetically by artist)
>> -if no, then end

>> -if yes, then ->
>> 2. Have you played the CD on your computer or do you plan to do so?
>> (yes, no)
>> -if no, then end
>> -if yes, then ->
>> 3. What operating system does your computer use? (Windows, or
>> Mac/Linux/other)
>> -if Mac/Linux/other, then end
>> -if Windows, then ->
>> 4. [based on previous answers, guide them to uninstallers, patches,
>> exchange program, etc]
>>
> Let me know if you'd like us to flesh this out more. We're happy to do
> so, but I think this gives you the general idea and I know you're
> already moving forward with the campaign so I figured that giving you
> quicker feedback on the campaign was more important than giving you
> polished feedback.
>
> Also, we are still waiting to hear from Alex Stamos from iSec and Ed
> Felten about their testing on the patch. I believe Alex wrote
> separately about some initial thoughts he had, including that he could
> test this more quickly and thoroughly if he had the source code. As
> you know, we still reserve judgment on whether the patch is a
> sufficient cure for the problems identified so far, and remain worried
> about the very strong possibility that additional problems with these
> CDs, as well as XCP and MediaMax 3 CDs, will be identified.
>
> Thanks again,
>
> Cindy
>
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